

IN THE DRAWINGS:

FIG. 8 has been corrected as shown in the Replacement Drawing Sheet and as shown in red in the Annotated Sheet Showing Changes in the attached Appendix.

FIG. 9 has been corrected as shown in the Replacement Drawing Sheet and as shown in red in the Annotated Sheet Showing Changes in the attached Appendix.

REMARKS

This Amendment is submitted in response to the Office Action dated September 13, 2005. In the Office Action, the Patent Office objected to the drawings under 37 CFR §1.83(a) for failing to show every feature of the invention specified in the claims. Additionally, the Patent Office objected to the drawings under 37 CFR §1.84(p)(5) because the drawings include a reference character not mentioned in the description. Further, the Patent Office objected to the drawings under 37 CFR §1.84(p)(5) for failing to include reference signs mentioned in the description. Still further, the Patent Office objected to the abstract for failing to recite a concise statement of the technical disclosure of the patent. Moreover, the Patent Office objected to the specification for failing to provide proper antecedent basis for the claimed subject matter. Furthermore, the Patent Office rejected Claims 1-53, 55, 57-70 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement.

Additionally, the Patent Office rejected Claims 1, 2, 5-9, 12, 13, 54-56 and 71-82 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,950,851 to *Bergersen* (hereinafter "the '851 patent"); Claim 3 under 35 U.S.C. §103(a) as being unpatentable over the '851 patent; Claims 1-6, 8, 9, 12-15, 18-21, 23, 24, 27-29, 31-36, 40, 41, 43-48, 50, 52, 54-59, 61, 64-68, 70-72 and 74-82 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No.

4,898,535 to *Bergersen* (hereinafter "the '535 patent") in view of the '851 patent; Claims 7, 10, 16, 17, 22, 30, 37, 39, 42, 49, 51, 53, 62, 63, 69 and 73 under 35 U.S.C. §103(a) as being unpatentable over the '535 patent in view of the '851 patent and further in view of U.S. Patent No. 5,876,199 to *Huge*; Claims 11, 26, 38 and 60 under 35 U.S.C. §103(a) as being unpatentable over the '535 patent in view of the '851 patent and further in view of U.S. Patent No. 5,876, 199 to *Bergersen* (hereinafter "the '199 patent"); and Claim 25 under 35 U.S.C. §103(a) as being unpatentable over the '535 patent in view of the '851 patent and further in view of U.S. Patent No. 5,683,244 to *Truax*.

By the present Amendment, Applicant amended Claims 1, 9, 14, 20, 24, 27, 36, 39-41, 47, 50, 53-55, 57, 61, 64, 71-73 and 77-79 and cancelled Claims 2, 16, 17, 25, 30, 42, 43 and 69. Applicant asserts that the amendments to the claims and the remarks that follow overcome the objections and rejections made by the Patent Office and place the application in condition for allowance. Notice to that effect is requested.

In the Office Action, the Patent Office objected to the drawings under 37 CFR §1.83(a) for failing to show every feature of the invention specified in the claims. Namely, the Patent Office asserts that the drawings fail to show wedges formed within the appliance as required by dependent Claim 25. In response to the objection, Applicant canceled Claim 25. Applicant submits that the

cancellation of Claim 25 overcomes the objection by the Patent Office. Notice to that effect is requested.

In the Office Action, the Patent Office objected to the drawings under 37 CFR §1.84(p)(5) and asserts that the drawings include reference character 9 which is not mentioned in the description. In response to the objection, Applicant asserts that reference character 9 is mentioned in page 18 of the application. Lines 29-34 in page 18 of the application state: "the dental appliance 1 may have a length 3 wherein the dental appliance 1 during its wear may extend rearward to the first permanent molars 14, 28, illustrated in a profile 9 of teeth 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28 and 30 in Figure 2." Applicant submits that the objection is improper and should be withdrawn. Notice to that effect is requested.

Further, the Patent Office objected to the drawings under 37 CFR §1.84(p)(5) for failing to include reference signs 115, 117, 119 and 121 which are mentioned in the description. In response to the objection, Applicant amended Figs. 8 and 9 to show the lingual shields 115, 117 and the buccal shields 119, 121 as set forth in page 22 of the description. The lingual shields 115, 117 and the buccal shield 119, 121 are disclosed in the specification as filed. Specifically, page 22, lines 2-5 state: "The upper shell 110 and/or the lower shell 120 may have roughened, or coarse surfaces 114, 122, respectively, along the lingual shields 115, 117 and/or buccal

shields 119, 121 to secure the reline material 132." Further, page 22, lines 8-10 state: "The lingual shields 115, 117 and the buccal shields 119, 121 may have a mark 112 placed on the roughened surfaces 114, 122." Applicant submits that the amendment to Fig. 8 and Fig. 9 overcomes the objection by the Patent Office. Notice to that effect is requested.

In the Office Action, the Patent Office objected to the abstract for failing to recite a concise statement of the technical disclosure of the patent. More specifically, the Patent Office asserts that the abstract refers to purported merits or speculative applications of the invention. Further, the Patent Office suggests that extensive mechanical and design details of the apparatus should not be given. In response to the objection, Applicant amended the abstract to recite a concise statement of the technical disclosure of the patent. Applicant submits that the amendment to the abstract overcomes the objection by the Patent Office. Notice to that effect is requested.

Further, the Patent Office objected to the specification for failing to provide proper antecedent basis for claimed subject matter. More specifically, the Patent Office asserts that the specification fails to adequately disclose an embodiment with a solvent positioned between an reline material and an interior surface as required by Claims 2 and 43; an appliance being thicker at a second end than at a first end as required by Claims 16, 17,

30, 42 and 69; and wedges formed within a first appliance and a second appliance as required by Claim 25. In response to the objection, the Applicant canceled Claims 2, 16, 17, 25, 30, 42, 43 and 69. Applicant submits that the cancellation of Claims 2, 16, 17, 25, 30, 42, 43 and 69 overcome the objection by the Patent Office. Notice that effect is requested.

With respect to the rejection of Claims 1-53, 55 and 57-70 under 35 U.S.C. §112, first paragraph, Applicant respectfully submits that the rejection has been overcome by the amendment to independent Claims 1, 14, 27, 40, 57 and 64 and for the reasons that follow:

In the Office Action, the Patent Office asserts:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not recite what a "reline material" is or what properties it possesses or give examples of materials which could be used as a reline material. As such one skilled in the art would be unable to make and use the invention as they would not know what to use as such "reline material".

As set forth above, independent Claim 1, as amended, defines a dental appliance having a generally U-shaped base wherein the base has an interior surface which substantially surrounds a surface of at least one of the teeth wherein the first end is made from a first material and the second end is made from a second material wherein the first material is stiffer than the second

material wherein the second material adheres the base to at least one of the teeth.

Independent Claim 14, as amended, defines a system having a first dental appliance which is made from a first material and a second material wherein a second dental appliance is made from a first material and a second material wherein the first material is stiffer than the second material. Further, Claim 14 requires a hinge connecting the second material of upper base to the second material of the lower base wherein the concave portion and the hinge prevent the upper base and the lower base from sliding when placed within the mouth.

Independent Claim 27, as amended, defines a dental appliance having a generally U-shaped upper base and a generally U-shaped lower base wherein the upper base and the lower base are made of a first material and a second material wherein the first material is stiffer than the second material wherein the second material moves one of the teeth of the user. Further, Claim 27 requires a hinge insertable within the upper base and the lower base wherein the hinge connects the upper base and the lower base.

Independent Claim 40, as amended, defines a dental appliance having a generally U-shaped upper base, a generally U-shaped lower base and a hinge integrally formed with the upper base and the lower base wherein the hinge connects the upper base and the lower base wherein the upper occlusal surface adheres to one of the upper

teeth and further wherein the lower occlusal surface moves one of the lower teeth.

Independent Claim 57, as amended, defines an dental appliance having a generally U-shaped upper base, a generally U-shaped lower base and a hinging mechanism insertable within the upper base and the lower base wherein the hinging mechanism connects the upper base and the lower base wherein the upper occlusal surface and the lower occlusal surface are roughened.

Independent Claim 64, as amended, defines an dental appliance having a generally U-shaped upper base, a generally U-shaped lower base connected to the upper base wherein the lower base has a lower occlusal surface wherein the lower occlusal surface contacts the lower teeth. Further, Claim 64 requires a hinge integrally formed with the upper base and the lower base wherein the hinge connects the upper base and the lower base wherein the hinge provides resistance against movement of the upper base toward the lower base wherein the hinge prevents the upper base and the lower base from sliding when placed within the mouth wherein the hinge attaches the lower base and the upper base to the mouth of the user.

The amendments to Claims 1, 9, 14, 20, 24, 27, 36, 39, 40, 47, 55, 57, 61 and 64 remove the subject matter which the Patent Office asserts as not described in the specification in such a way as to enable one skilled in the art which it pertains to practice the invention as set forth in page 5 of the Office Action.

Accordingly, the rejection of Claims 1-53, 55 and 57-70 under 35 U.S.C. §112, first paragraph, has been overcome and should be withdrawn. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 1, 2, 5-9, 12, 13, 54-56 and 71-82 under 35 U.S.C. §102(b) as being anticipated by the '851 patent. More specifically, the Patent Office alleges that:

Bergersen discloses a dental appliance which is placed in mouth of a user wherein the user has teeth, the dental appliance comprising: a generally U-shaped base having length defined between a first end and a second end and having an occlusal surface wherein occlusal surface contacts the teeth when the base placed within the mouth wherein the base has an interior surface which substantially surrounds a surface of at least one of the teeth; and a reline material in contact with the interior surface wherein the reline material causes adhesion the base the teeth (see col. 2, lines 7-37). Regarding claim 2, see col. 2, lines 41-55.

Independent Claim 1, as amended, requires a generally U-shaped base wherein a first end of the base is made from a first material and a second end of the base is made from a second material wherein the first material is stiffer than the second material wherein the second material adheres the base to at least one of the teeth.

Independent Claim 54, as amended, requires the step of determining an amount of time the user is required to place the dental appliance wherein the base is made from a first material and a second material wherein the first material is stiffer than the second material wherein the socket is formed in the second material and further wherein the socket corrects the malocclusion.

Independent Claim 71, as amended, requires a generally U-shaped base which is sized to receive the upper teeth and treat the malocclusion wherein the malocclusion is associated only with the upper teeth wherein the base is made of a first material and a second material wherein the first material is stiffer than the second material wherein the base is attachable to at least one of the upper teeth of the user via the second material.

Independent Claim 77, as amended, requires a generally U-shaped base which is sized to receive the lower teeth and treat the malocclusion wherein the malocclusion is associated only with the lower teeth wherein the base is made of a first material and a second material wherein the first material is stiffer than the second material wherein the base moves at least one of the lower teeth of the user via the second material.

The '851 patent merely discloses that after a patient's teeth have become substantially perfectly aligned by a custom or preformed positioner, one or more selected depressions are filled with a liner material in a soft moldable state and having the property of hardening over a short period of time at body temperature and adhering to the positioner surface. The positioner is then placed in a patient's mouth with the teeth in place within their respective depressions. The filling material in the selected depressions then forms the outer contour of the teeth located

therein and hardens, thereby providing in those depressions inner surfaces precisely fitted to the contour of their respective teeth.

Nowhere does the '851 patent teach or suggest a first end of the base which is made from a first material and a second end of the base which is made from a second material wherein the first material is stiffer than the second material wherein the second material adheres the base to at least one of the teeth as required by Claim 1. Further, nowhere does the '851 patent teach or suggest the step of determining an amount of time the user is required to place the dental appliance wherein the base is made from a first material and a second material wherein the first material is stiffer than the second material wherein the socket is formed in the second material and further wherein the socket corrects the malocclusion as required by Claim 54. Still further, nowhere does the '851 patent teach or suggest a generally U-shaped base which is sized to receive the upper teeth and treat the malocclusion wherein the malocclusion is associated only with the upper teeth wherein the base is made of a first material and a second material wherein the first material is stiffer than the second material wherein the base is attachable to at least one of the upper teeth of the user via the second material as required by Claim 71. Moreover, nowhere does the '851 patent teach or suggest a generally U-shaped base which is sized to receive the lower teeth and treat the malocclusion wherein the malocclusion is associated only with the

lower teeth wherein the base is made of a first material and a second material wherein the first material is stiffer than the second material wherein the base moves at least one of the lower teeth of the user via the second material as required by Claim 77.

On the contrary, the '851 patent teaches "this reshaping is accomplished by introducing into the selected depressions a soft moldable material which has the property of hardening at body temperature after a short period of time and adhering permanently to the positioner itself." Further, the '851 patent teaches "the positioner is then removed and when the material has completely hardened it is trimmed at the margins of the tooth depressions." Moreover, the '851 patent teaches "FIGS. 5 and 6 illustrate the molar tooth depression 15f with the liner material 26 therein. FIGS. 5A and 6A illustrate how the liner material closely adapts to the outer surfaces, and in particular the undercut portions of molar tooth 25." Therefore, the '851 patent clearly does not teach the elements required by Claims 1, 54, 71 and 77, as amended.

Under 35 U.S.C. §102(b), anticipation requires that a single reference discloses each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d. 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the reference are "insubstantial", and one skilled in the art could supply the missing elements. *Structure Rubber*

Products Co. v. Park Rubber Co., 749 F.2d. 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

Since the '851 patent fails to disclose the elements specifically defined in amended independent Claims 1, 54, 71 and 77, Applicant asserts that the rejection of Claims 1, 2, 5-9, 12, 13, 54-56 and 71-82 under 35 U.S.C. §102(b) has been overcome and should be withdrawn. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 1-6, 8, 9, 12-15, 18-21, 23, 24, 27-29, 31-36, 40, 41, 43-48, 50, 52, 54-59, 61, 64-68, 70-72 and 74-82 under 35 U.S.C. §103(a) as being unpatentable over the '535 patent in view of the '851 patent. More specifically, the Patent Office alleges that:

Bergersen '535 discloses the invention essentially as claimed except for the reline material. *Bergersen* '851 discloses that it is known in the art to provide a u-shaped orthodontic appliance with a material lining the tooth cavities, a reline material, to firmly engage the tooth to hold it in a specific position (see col. 4, lines 11-37). It would have been obvious to one skilled in the art to provide the appliance of *Bergersen* '535 with a reline material as taught by *Bergersen* '851 in order to firmly engage the tooth to hold it in a specific position.

Independent Claim 1, as amended, requires a generally U-shaped base wherein the first end is made from a first material and the second end is made from a second material wherein the first material is stiffer than the second material wherein the second material adheres the base to at least one of the teeth.

Independent Claim 14, as amended, requires a first dental appliance which is made from a first material and a second material wherein a second dental appliance is made from a first material and a second material wherein the first material is stiffer than the second material. Further, Claim 14 requires a hinge connecting the second material of upper base to the second material of the lower base wherein the concave portion and the hinge prevent the upper base and the lower base from sliding when placed within the mouth.

Independent Claim 27, as amended, requires a generally U-shaped lower base connected to the upper base wherein the upper base and the lower base are made of a first material and a second material wherein the first material is stiffer than the second material wherein the second material moves one of the teeth of the user.

Independent Claim 40, as amended, requires a dental appliance having a hinge integrally formed with the upper base and the lower base wherein the hinge connects the upper base and the lower base wherein the upper occlusal surface adheres to one of the upper teeth and further wherein the lower occlusal surface moves one of the lower teeth.

Independent Claim 54, as amended, requires the step of determining an amount of time the user is required to place the dental appliance wherein the base is made from a first material and a second material wherein the first material is stiffer than the

second material wherein the socket is formed in the second material and further wherein the socket corrects the malocclusion.

Independent Claim 57, as amended, requires a dental appliance having a hinging mechanism insertable within the upper base and the lower base wherein the hinging mechanism connects the upper base and the lower base wherein the upper occlusal surface and the lower occlusal surface are roughened.

Independent Claim 64, as amended, requires a hinge integrally formed with the upper base and the lower base wherein the hinge connects the upper base and the lower base wherein the hinge provides resistance against movement of the upper base toward the lower base wherein the hinge prevents the upper base and the lower base from sliding when placed within the mouth wherein the hinge attaches the lower base and the upper base to the mouth of the user.

Independent Claim 71, as amended, requires a generally U-shaped base which is sized to receive the upper teeth and treat the malocclusion wherein the malocclusion is associated only with the upper teeth wherein the base is made of a first material and a second material wherein the first material is stiffer than the second material wherein the base is attachable to at least one of the upper teeth of the user via the second material.

Independent Claim 77, as amended, requires a generally U-shaped base which is sized to receive the lower teeth and treat the

malocclusion wherein the malocclusion is associated only with the lower teeth wherein the base is made of a first material and a second material wherein the first material is stiffer than the second material wherein the base moves at least one of the lower teeth of the user via the second material.

The '535 patent merely teaches a removable orthodontic appliance is provided with a means for retaining the appliance within the user's mouth. The device can be constructed by slitting the plastic or other resilient material appliance along a center parting line (along the direction of the occlusal plane) either at the time of molding or afterwards.

Neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests the first end which is made from a first material and the second end which is made from a second material wherein the first material is stiffer than the second material wherein the second material adheres the base to at least one of the teeth as required by Claim 1. Additionally, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests a first dental appliance which is made from a first material and a second material wherein a second dental appliance is made from a first material and a second material wherein the first material is stiffer than the second material as required by Claim 14. Further, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or

suggests a hinge connecting the second material of upper base to the second material of the lower base wherein the concave portion and the hinge prevent the upper base and the lower base from sliding when place within the mouth as required by Claim 14.

Still further, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests the upper base and the lower base which are made of a first material and a second material wherein the first material is stiffer than the second material wherein the second material moves one of the teeth of the user as required by independent Claim 27. Moreover, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests a hinge integrally formed with the upper base and the lower base wherein the hinge connects the upper base and the lower base wherein the upper occlusal surface adheres to one of the upper teeth and further wherein the lower occlusal surface moves one of the lower teeth as required by independent Claim 40. Furthermore, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests the step of determining an amount of time the user is required to place the dental appliance wherein the base is made from a first material and a second material wherein the first material is stiffer than the second material wherein the socket is formed in the second material and further wherein the socket corrects the malocclusion as required by independent Claim 54.

Additionally, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests a dental appliance having a hinging mechanism insertable within the upper base and the lower base wherein the hinging mechanism connects the upper base and the lower base wherein the upper occlusal surface and the lower occlusal surface are roughened as required by independent Claim 57. Further, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests a hinge integrally formed with the upper base and the lower base wherein the hinge connects the upper base and the lower base wherein the hinge provides resistance against movement of the upper base toward the lower base wherein the hinge prevents the upper base and the lower base from sliding when placed within the mouth wherein the hinge attaches the lower base and the upper base to the mouth of the user as required by independent Claim 64. Still further, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests the base which is made of a first material and a second material wherein the first material is stiffer than the second material wherein the base is attachable to at least one of the upper teeth of the user via the second material as required by independent Claim 71. Moreover, neither the '535 patent nor the '851 patent, taken singly or in combination, teaches or suggests the base which is made of a first material and a second material wherein the first material is stiffer than the second

material wherein the base moves at least one of the lower teeth of the user via the second material as required by independent Claim 77.

On the contrary, the '535 patent merely teaches that "in a first method, the appliance is molded as a single piece with the upper part 26 integral and coextensive with the lower part 30. Further, the '535 patent teaches:

A second method for manufacturing such an appliance would be to again mold the appliance such that the top portion 26 and lower portion 30 are integrally formed and after the appliance has cooled, the slit can be made, again along the parting line 25, and with the appliance held in an open position the hinge portion 34 can be reheated and then allowed to thermoset in the open position.

The '851 patent teaches "the positioner is then removed and when the material has completely hardened it is trimmed at the margins of the tooth depressions." Moreover, the '851 patent teaches "FIGS. 5 and 6 illustrate the molar tooth depression 15f with the liner material 26 therein. FIGS. 5A and 6A illustrate how the liner material closely adapts to the outer surfaces, and in particular the undercut portions of molar tooth 25." Therefore, the '535 patent nor the '851 patent, taken singly or in combination, do not teach or suggest elements and the step as required by Claim 1, 14, 27, 40, 54, 57, 64, 71 and 77.

Moreover, a person of ordinary skill in the art would never have been motivated to combine the teachings of the '535 patent with the '851 patent in the manner suggested by the Patent Office

in formulating the rejection under 35 U.S.C. §103(a). It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. *In re Simon*, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicant's invention, either separately or used in other combinations. A teaching, suggestion, or incentive must exist to make the combination made by Applicant. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

With the analysis of the deficiencies of the '535 patent and the '851 patent in mind; as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine the '535 patent and the '851 patent to produce the claimed invention. Therefore, *prima*

facie obviousness has not been established by the Patent Office as required under 35 U.S.C. §103.

Even assuming that one having ordinary skill in the art could somehow have combined the references applied by the Patent Office, the references still lack the novel features and the novel steps positively recited in independent Claims 1, 14, 27, 40, 54, 57, 64, 71 and 77. Accordingly, Applicant asserts that the rejection of Claims 1-6, 8, 9, 12-15, 18-21, 23, 24, 27-29, 31-36, 40, 41, 43-48, 50, 52, 54-59, 61, 64-68, 70-72 and 74-82 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

With respect to the rejection of Claim 3 under 35 U.S.C. §103(a) as being unpatentable over the '851 patent, Applicant respectfully submits that the rejection has been overcome by the amendment to independent Claim 1 and for the reasons that follow.

Nowhere does the '851 patent teach or suggest the elements as required by independent Claim 1 from which Claim 3 depend. Namely, the '851 patent does not teach or suggest the first end which is made from a first material and the second end is made from a second material wherein the first material is stiffer than the second material wherein the second material adheres the base to at least one of the teeth as required by Claim 1. In view of the foregoing, the rejection of Claims 3 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

With respect to the rejection of Claims 7, 10, 16, 17, 22, 30, 37, 39, 42, 49, 51, 53, 62, 63, 69 and 73 under 35 U.S.C. §103(a) as being unpatentable over the '535 patent in view of the '851 patent and further in view of *Huge*, Applicant respectfully submits that the rejection has been overcome by the amendments to independent Claims 1, 14, 27, 40, 54, 57, 64 and 71 and for the reasons that follow.

None of the '535 patent, the '851 patent and *Huge*, taken singly or in combination, teach or suggest the elements and/or the step as required by independent Claims 1, 14, 27, 40, 54, 57, 64 and 71 from which Claims 7, 10, 16, 17, 22, 30, 37, 39, 42, 49, 51, 53, 62, 63, 69 and 73 depend. In view of the foregoing, the rejection of Claims 7, 10, 16, 17, 22, 30, 37, 39, 42, 49, 51, 53, 62, 63, 69 and 73 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

With respect to the rejection of Claims 11, 26, 38 and 60 under 35 U.S.C. §103(a) as being unpatentable over the '535 patent in view of the '851 patent and further in view of the '199 patent, Applicant respectfully submits that the rejection has been overcome by the amendments to independent Claims 1, 14, 27 and 57 and for the reasons that follow.

None of the '535 patent, the '851 patent and the '199 patent, taken singly or in combination, teach or suggest the elements and/or the steps required by independent Claims 1, 14, 27 and 57

from which Claims 11, 26, 38 and 60 depend. In view of the foregoing, the rejection of Claims 1, 14, 27 and 57 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

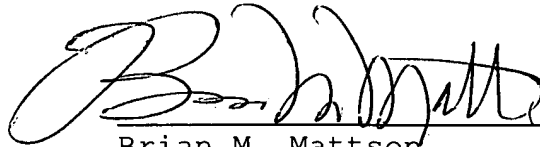
With respect to the rejection of Claims 25 under 35 U.S.C. §103(a) as being unpatentable over the '535 patent in view of the '851 patent and further in view of *Truax*, Applicant respectfully submits that the rejection has been overcome by the cancellation of Claim 25. Notice to that effect is requested.

Claims 2-13 depend from Claim 1; Claims 15-26 depend from Claim 14; Claims 28-39 depend from Claim 27; Claims 41-53 depend from Claim 40; Claims 55 and 56 depend from Claim 54; Claims 58-63 depend from Claim 57; Claims 65-70 depend from Claim 64; Claims 72-76 depend from Claim 71; and Claims 78-82 depend from Claim 77. These claims are further believed allowable over the references of record, taken singly or in combination, for the same reasons set forth with respect to their parent claims since each sets forth additional novel features and steps of Applicant's dental appliances, system of dental appliances and method for treating a malocclusion of a user.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicant

urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,




(Reg. No. 35,018)

Brian M. Mattson
Patents + TMS
A Professional Corporation
2849 W. Armitage Ave.
Chicago, Illinois 60647
Telephone: (773) 772-6009
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 13, 2005.



Brian M. Mattson (Reg. No. 35,018)